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3 UNITED STATES DISTRICT COURT  
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
5 OAKLAND DIVISION  
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7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 OSCAR BAKER PHILLIPS,

11 Defendant.  
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Case No: CR 12-0778 SBA

**ORDER ACCEPTING  
AMENDED REPORT AND  
RECOMMENDATION  
REGARDING GUILTY PLEA**

Docket 29

14 On February 26, 2013, the Court referred this matter to Magistrate Judge Westmore  
15 ("the magistrate") for a report and recommendation on the acceptance of Defendant's guilty  
16 plea. Dkt. 24. On March 5, 2013, the Defendant appeared before the magistrate and, with  
17 the assistance of counsel, waived his right to enter a guilty plea before a district judge and  
18 instead consented to enter his plea in a hearing before the magistrate. See Dkt. 29. The  
19 magistrate conducted a full hearing in the manner set forth in Federal Rule of Criminal  
20 Procedure 11. Id. After the advisements set forth in Rule 11, the Defendant entered a  
21 guilty plea in open court. Specifically, the Defendant pled guilty pursuant to a written plea  
22 agreement to the sole count in the Indictment charging Defendant with possession with  
23 intent to distribute and distribution of cocaine base within 1,000 feet of a school in violation  
24 of 21 U.S.C. §§ 841(a)(1) and 860. Id. The magistrate found that Defendant was fully  
25 competent and capable of entering an informed plea, that he was aware of the nature of the  
26 charges and the consequences of the guilty plea, and that the guilty plea was knowing and  
27 voluntary and supported by an independent factual basis. Id.  
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1 On March 5, 2013, the magistrate issued a Report and Recommendation Regarding  
2 Guilty Plea. Dkt. 25. On May 16, 2013, the magistrate issued an Amended Report and  
3 Recommendation Regarding Guilty Plea in which she recommends that this Court accept  
4 Defendant's guilty plea. Dkt. 29. The Amended Report and Recommendation advises the  
5 parties that they may serve and file specific written objections to the order within fourteen  
6 days after being served with a copy of the order. Id. No written objections to the Amended  
7 Report and Recommendation were filed prior to the hearing. At the May 20, 2013  
8 sentencing hearing in this matter, the parties indicated that they have no objections to the  
9 Amended Report and Recommendation. Accordingly,

10 IT IS HEREBY ORDERED THAT the magistrate's Amended Report and  
11 Recommendation (Dkt. 29) is ACCEPTED, the Defendant's guilty plea is accepted, and the  
12 magistrate's Amended Report and Recommendation shall become the order of this Court.

13 IT IS SO ORDERED.

14 Dated: 5/20/13

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16 SAUNDRA BROWN ARMSTRONG  
17 United States District Judge  
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